

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA)	CASE NO: 5:18 CR 00339
)	
Plaintiff,)	JUDGE SARA LIOI
)	
-vs-)	
)	
JAQUAR KEYSHORE LATIMER)	<u>DEFENDANT'S SENTENCING</u>
)	<u>MEMORANDUM</u>
Defendant.)	
)	

Now comes the Defendant, **JAQUAR KEYSHORE LATIMER**, by and through his undersigned counsel, and hereby submits the following sentencing memorandum in the above-captioned matter. Defendant's sentencing hearing is scheduled for February 27, 2020 at 9:00 a.m. Defendant respectfully requests a sentence between 37 to 46 months.

Respectfully Submitted,

/s/ Donald J. Malarcik
Donald J. Malarcik (0061902)
Attorney for Jaquar Latimer
121 S. Main Street, Suite 520
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330-253-0785 (telephone)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing has been served via the Court's electronic filing system on the 20th day of February, 2020.

/s/ Donald J. Malarcik
Donald J. Malarcik (0061902)
Attorney for Jaquar Latimer

MEMORANDUM

A. Introduction

Defendant, Jaquar Latimer is forty-two (42) years old. He was raised in a neighborhood where drugs and violence were prevalent (PSR ¶71). Mr. Latimer witnesses a murder as a child (PSR ¶71) and was himself shot in the hand at age fourteen (14) (PSR ¶74). Mr. Latimer was shot in the head at age nineteen (19) (PSR ¶74). Mr. Latimer has two (2) adult children and a minor son, Jayleen, who died on October 16, 2016 as a result of cancer (PSR ¶72).

Mr. Latimer has suffered from mental health issues such as anxiety, depression, bereavement and anti-social disorder (PSR ¶75). He has struggled with alcohol and substance abuse issues since the age of fourteen (14) (PSR ¶76).

Mr. Latimer respectfully submits that a proper guideline range for his offenses would be a total offense level of fourteen (14) (PSR ¶21) and a criminal history, Category of VI (PSR ¶57). The court heard all the testimony and evidence presented at trial. The evidence does not support specific offense characteristic enhancements suggested in paragraphs 22, 23, and 24 of the Presentence Report. Specifically, the evidence presented at trial does not support a two level enhancement for three (3) or more firearms pursuant to USSG §2K2.1 (b) (1) (A) in ¶22. The jury could have convicted Mr. Latimer of possession of a single firearm and found the evidence did not support a conviction for all three (3) firearms recovered at Ms. Jones' residence. Likewise, there is insufficient evidence to support a two level enhancement for possessing a stolen firearm. Because the jury was not given Interrogatories to identify which firearm they believed Mr. Latimer

possessed, the court should not conclude that they believed it was the stolen Sig Sauer 9mm Model SP 2022 identified in ¶23 of the PSR. Finally, Mr. Latimer respectfully submits that there was insufficient evidence to conclude beyond a reasonable doubt that he possessed a firearm in connection with another felony offense. Therefore, the four (4) point enhancement pursuant to USSG 2K2.1(b) (6) (B) in ¶24 should not apply. Wherefore, Defendant respectfully requests a sentence between 37 to 46 months.

Respectfully Submitted,

/s/ Donald J. Malarcik

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